



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Maine Organic Farmers and Gardner's Association (MOFGA) Certification Services (MCS), LLC
Est. Number:	N/A
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Phone Number:	207-568-4142
Auditor(s):	Martin Friesenhahn
Program:	USDA National Organic Program (NOP)
Audit Date(s):	August 6-8, 2008
Audit Identifier:	NP7033BBA
Action Required:	Yes
Audit Type:	Corrective Action Audit
Audit Objective:	To verify that corrective actions adequately address the non-compliances from the on-site Accreditation Renewal Audit.
Audit Criteria:	7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; Updated December 12, 2007
Audit Scope:	The company's submitted corrective actions
Location(s) Audited:	Desk

Maine Organic Farmers and Gardner's Association (MOFGA) Certification Services (MCS), LLC submitted corrective actions dated July 6, 2007, and received by the auditor on August 1, 2008.

FINDINGS

The corrective actions submitted by MOFGA Certification Services adequately addressed two of the seven non-compliances (NP7033BBA.NC3 and NC5) from the on-site Accreditation Renewal Audit that was conducted on May 8-10, 2007. Five of the seven non-compliances were not adequately addressed and remain outstanding (NP7033BBA.NC1, NC2, NC4, NC6 and NC7).

NP7033BBA.NC3 -- Adequately Addressed - NOP §205.404(b)(3) –states, “The certifying agent must issue a certificate of organic operation which specifies categories of organic operation...”

NOP§205.406(d) states, “If the certifying agent determines that....any of the information specified on the certificate of organic operation has changed, the certifying agent must issue an updated certificate of organic operation pursuant to §205.404(b).” *The certificates for livestock operations included the*



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livestock or dairy categories but did not include the category for crops (hay or pasture). In addition, certificates that were updated did not include the date of the updated information. **Corrective Action:** The certificates were updated to include Crops under the Type of Organic Operation. The certificate was modified to include a "Certificate Amended On" date for certificates that are updated. An example certificate of a dairy operation with the updated information was submitted.

NP7033BBA.NC5 – Adequately Addressed - NOP §205.504(b)(1) requires the certifying agent to submit... a copy of the procedures to be used to evaluate certification applicants, make certification decisions, and issue certification certificates. *The procedures in the MOFGA Certification Services Organic Certification Practice Manual, A Guide for Producers 2007 and for the Certification Process are not clear for how the review and decisions are made for the operations continuing certification.* **Corrective Action:** The MOFGA Certification Services, LLC Certification Process document was revised (205.504 b) and now includes more information on the application, review, and decision making process for operations that are renewing certification.

NP7033BBA.NC1 -- Not Adequately Addressed NOP § 205.402 (a)(1-2) states, "Upon acceptance of an application for certification, a certifying agent must: (1) Review the application to ensure completeness pursuant to § 205.401; and (2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply..." NOP § 205.406 (a)(1) states, "To continue certification, a certified operation must...submit the following information, as applicable, to the certifying agent: an updated organic production or handling system plan..." *The organic system plans for some of the files reviewed did not have all of the applicable areas or updates completed before the inspection. In addition, the organic system plans for the inspected operations observed during the audit did not have all the applicable areas completed prior to the inspections. The incomplete areas of the organic system plans therefore had to be determined during the inspection.* **Corrective Action:** The corrective actions submitted by MOFGA stated that e-mails and letters were sent out to applicants concerning vague or incomplete forms and that the problem was featured in a newsletter to producers. MOFGA also stated that a mock application would be completed and published on the website. MOFGA also referred to instructing inspectors to identify gaps as non-compliances in exit interviews and write-ups in which training was completed on June 6, 2006, at the annual inspector training session. In addition, MOFGA mentioned adding more certification office staff to adequately address the problem. The corrective actions did not adequately address how organic system plans would be reviewed and the applicable areas or updates be completed prior to scheduling and conducting the inspections. Objective evidence or examples were not provided on the letters, e-mails, or newsletter that was mentioned in the corrective actions and the mock application was not found on the website. The inspector training that was mentioned took place before the NOP On-site audit and no training records were provided for verification. No information or records were provided to show that additional certification staff was hired or trained to address the issue. Therefore, the non-compliance was not adequately addressed and remains outstanding.

NP7033BBA.NC2 -- Not Adequately Addressed NOP § 205.403 (c)(1-3) states, "The on-site inspection of an operation must verify: (1) The operation's compliance or capability to comply with the Act and the regulations in this part; (2) That the information, including the organic production or handling system plan... accurately reflects the practices used or to be used by the applicant for certification or by the certified operation; and (3) That prohibited substances have not been and are not being applied to the



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operation...” *During the observation of the livestock inspection, the inspector did not ask about, review or observe the equipment used for the hay production. During both inspections, the inspector reviewed procedures, processes, and inputs that were not listed on the organic system handling or production plans. However, most of these deficient areas of the organic system plans were not identified as concerns to the inspected operation during the exit interviews or mentioned that they should be included.*

Corrective Action: The corrective actions stated that the inspectors would be instructed to look at equipment involved in organic production and to identify non-compliances in the report for incomplete or deficient application materials. However, no training records or examples of inspection reports were submitted to show that equipment was verified, the training had been completed, or that the non-compliances were being recorded or identified as mentioned.

NP7033BBA.NC4 -- Not Adequately Addressed NOP §205.501(a)(11)(v) states, “Prevent conflict of interests by: requiring all persons who review applications for certification... complete an annual conflict of interest disclosure report.” *One board member and one committee review member did not list their own farm on the Conflict of Interest Disclosure Report and Confidentiality Agreement Form.* **Corrective Action:** The corrective actions mentioned that all participants have been instructed to list their own businesses or farms on the COI report. However, no completed COI reports were submitted with the corrective actions to show this has been completed.

NP7033BBA.NC6 – Not Adequately Addressed - NOP §205.642 states, “...a certifying agent shall charge applicants for certification and certified production and handling operations only those fees and charges that it has filed with the Administrator.” *Two processors were not charged the additional \$100.00 off farm processing fee and one applicant was not charged the \$25.00 new applicant fee. In addition, MCS had a reciprocal agreement with Baystate Organic Certifiers, Winchendon, MA, to certify each others operations when there was a conflict of interest or potential conflict of interest under clause §205.501(a)(11)(i). However, fees were not charged to the Baystate Organic Certifiers operation certified by MCS. Instead the operations were to pay the certification fees to their respective organizations. The Baystate operation had surrendered their organic certification of their farm by MCS on April 27, 2007.* **Corrective Action:** The Baystate organic operation is no longer certified by MOFGA and is therefore not charged any fees by MOFGA. The two Maine operations that present a conflict of interest with MOFGA are now paying their fees and dealing directly with Baystate Organic Certifiers. MOFGA mentioned in the corrective action that they have added staff and have been better able to keep up with missing fees. However, no objective evidence was submitted to substantiate this fact or were any examples provided to show that the off farm processors or new applicants were paying the correct fees.

NP7033BBA.NC7 – Not Adequately Addressed - NOP §205.662(a)(3) requires the certifying agent to include the date by which the certifying operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible and (b) requires the certifying agent to send the certified operation a written notification of noncompliance resolution when the certified operation demonstrates that each noncompliance has been resolved. *MCS had issued the certified operations written notifications of non-compliance resolution for minor non-compliances that had been issued. However, MCS had issued “concerns” or “continuous improvement points” to some clients in which the written notifications of non-compliance resolution had not been submitted. Some of*



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these issues were minor non-compliances to the NOP Rule which would then have required the written notifications of non-compliance resolution. In addition, some of the “concerns” or “continuous improvement points” were submitted to the clients without including a date in which to address.

Corrective Action: The corrective actions indicated that MOFGA has been writing and sending letters with each inspection report and that many include deadlines to address the issues. It was also mentioned that e-mails and letters are sent to the producers as they comply with the requests. However, no examples were submitted to show that this is being completed.